

FEB 01 2007

PATENT APPLN. NO. 10/773,409
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

REMARKS

Applicant respectfully traverses the objection to the abstract. The abstract does not exceed the 150-word limit. The attention of the Office is directed to the preliminary amendment filed February 9, 2004, in which the abstract was amended to contain 120 words. The preliminary amendment and amended abstract are available in the Image File Wrapper of the present application and the Office has not provided any indication that the amendment has not been entered.

Removal of the objection to the abstract is believed to be in order and is respectfully requested.

Claims 1-9, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima (US2002/01286044) (hereinafter: "Nakajima").

Claim 1 has been amended to include the limitation that the hemostasis valve is made of a single member. A new claim, claim 26, which has been added to the application for alternative consideration by the Office, corresponds to claim 1 as amended and recites the additional limitation that the front end portion of the openable/closable portion of the hemostasis valve is not opened by pressing open the openable/closable portion. The amendment to

claim 1 to recite that the hemostasis valve is made of a single member and the additional limitation recited in claim 26 that the front end portion of the openable/closable portion of the hemostasis valve is not opened by pressing open the openable/closable portion are supported by the description in the paragraph beginning on page 17, line 19, and continuing to page 18, line 1, of the present application.

As now precisely recited in claim 1 and in new claim 26, the hemostasis valve of the present invention is made of a single member in which the openable/closable portion of the valve is molded integrally with the front end of the body. Therefore, the openable/closable portion is opened by elastic deformation of the body (as recited in claims 1 and 26) and not by pressing open the openable/closable portion of the body (as additionally recited in claim 26). Such a valve has the effects that the function of the openable/closable portion is unimpaired and the female connector and the male connector can be repeatedly connected.

Applicant respectfully submits that Nakajima fails to anticipate claims 1-9, 20 and 22 under 35 U.S.C. 102(e), particularly as amended, and fails to anticipate claim 26 under 35 U.S.C. 102(e).

The elastic "valve" of the indwelling catheter of Nakajima consists of two members, i.e., an elastic valve 3 and a separate plug 4, and not a single member, and is not openable in the radially outward direction by elastic deformation in the radially inward direction. The elastic valve 3 of the valve of Nakajima can be elastically deformed, but is not openable in a radially outward direction by elastic deformation thereof in a radially inward direction. The plug 4 of the valve of Nakajima cannot be elastically deformed (refer to paragraphs [0029] to [0034] of Nakajima). The valve aperture 3a of the elastic valve 3 is opened by being forced open outwardly by the plug 4, not by elastic deformation radially inwardly thereof.

For the above reasons, Nakajima fails to disclose each and every element of the indwelling catheter of claim 1 (and of claim 26) of the present application. Therefore, the 35 U.S.C. 102(e) rejection must fail.

Removal of the 35 U.S.C. 102 rejection of the claims is believed to be in order and is respectfully requested.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Vaillancourt (U.S. Patent No.

6,699,221) (hereinafter: "Vaillancourt"). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima.

The propriety of these rejections depends on the propriety of the 35 U.S.C. 102(e) rejection of claim 1, upon which claims 10 and 24 ultimately depend. Since the 35 U.S.C. 102(e) rejection of claim 1 has been shown to be improper, claims 10 and 24 are *prima facie* patentable.

Applicant also notes that the valve disclosed in Vaillancourt does not have the body and is opened by being pressed open by the proximal end of the needle 12, not by elastic deformation.

Removal of the 35 U.S.C. 103(a) rejections is also in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated November 1, 2006, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of

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time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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